FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1305 OF 2006
IN CRIMINAL APPEAL NO. OF 2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr. R.More, A.P.P. for the Applicant.

Mr. Shekhar Ingawale with Yogesh Nakhawa for the Respondent.

CORAM : R.S. MOHITE,J.
DATED : 02/5/2006.

P.C.

1. This is an appeal filed by the State impugning a judgment and order passed by the Special Judge, Pune on 22.12.2005 In Special Case No. 26/2000 acquitting the respondent for offence punishable U/s. 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act. On perusing the impugned judgment and order, it appears that the same is passed on cogent and acceptable reasons. The accused is said to have demanded bribe of Rs.15,000/- on 30.4.1997. As regards this demand P.W.No.1 Dattatraya in his evidence has stated that the amount demanded was

Rs.20,000/- and thus, amount demanded became uncertain. This has been held to be material discrepancy. P.W.No.1 Dattatraya is the complainant who stated that at the time of trap, he took out the bribe amount from his pocket and kept it on the table and thereafter, accused asked him to count the amount and after it was counted, P.W.No.1 Dattatraya kept it in one packet and moved that packet towards the accused which the accused took and kept in his drawer. No anthracene powder has been found on the hands of the accused. No valid sanction has been obtained by the prosecution. Several other discrepancies are mentioned in the judgment. In my opinion, the view taken by the trial court is possible view. Hence, leave refused. Consequently the appeal to stand dismissed.

(R. S. MOHITE, J.)